

**BOARD BILL NO. 114**

**INTRODUCED BY: ALDERMAN JOSEPH RODDY**

1 An ordinance recommended by the Board of Public Service to conditionally vacate above surface,  
2 surface and sub-surface rights for vehicle, equestrian and pedestrian travel in the northern 15 foot  
3 wide north/south alley in City Block 4781-S as bounded by Children's Place, Taylor Avenue, Scott  
4 Avenue and Euclid Avenue (vacated) in the City of St. Louis, Missouri, as hereinafter described, in  
5 accordance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter  
6 and imposing certain conditions on such vacation.

7 BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

8 **SECTION ONE:** The above surface, surface and sub-surface rights of vehicle, equestrian  
9 and pedestrian travel, between the rights-of-way of:

10  
11 A tract of land being a fifteen foot wide north and south alley in St. Louis City Block  
12 4781-S and being part of Block 2, Audubon Place and being more particularly  
13 described as follows:

14  
15 Commencing at the Northwest corner of Lot "A" of the Consolidation  
16 Plat of part of Lots 1-10, CB 4781S, Part of Lots 3, 4, 5, 16, 17 & 18,  
17 Block 4781N Shields' Duncan Avenue Subdivision, & Part of  
18 Children's Place being a subdivision filed for Record in Plat Book  
19 02242006 at page 0097 of the St. Louis City Land Records; thence  
20 North 75 degrees 00 minutes 14 seconds West along the Southern  
21 right of way line of Children's Place (60 feet wide aka Audubon  
22 Avenue) a distance of 226.00 feet to the point of beginning of the  
23 tract being described; thence leaving said right of way line South 08  
24 degrees 56 minutes 32 seconds West along the Eastern right of way  
25 line of said alley being vacated a distance of 150.98 feet to a point on  
26 the North right of way line of the Metro Link Light Rail right of way  
27 line; thence leaving said East right of way line North 70 degrees 41  
28 minutes 18 seconds West along said North right of way a distance of  
29 15.16 feet to a point on the Western right of way line of said alley;  
30 thence leaving said North right of way line North 08 degrees 56  
31 minutes 32 seconds East along said West right of way line a distance  
32 of 149.83 feet to a point on the South line of Children's Place as  
33 previously mentioned; thence leaving said West right of way line  
34 South 75 degrees 00 minutes 14 seconds East along said Southern  
35 right of way a distance of 15.00 feet to the point of beginning and  
36 containing 2,243 square feet more or less.

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1  
2 are, upon the conditions hereinafter set out, vacated.

3       **SECTION TWO:** The Petitioners are The Washington University and the Bi-State  
4 Development Agency of the Missouri-Illinois Metropolitan District. Proposed vacated area will be  
5 consolidated.

6       **SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by  
7 the foregoing conditionally vacated alley, are reserved to the City of St. Louis for the public  
8 including present and future uses of utilities, governmental service entities and franchise holders,  
9 except such rights as are specifically abandoned or released herein.

10       **SECTION FOUR:** The owners of the land may, at their election and expense remove the  
11 surface pavement of said so vacated alley provided however, all utilities within the rights-of-way  
12 shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

13       **SECTION FIVE:** The City, utilities, governmental service entities and franchise holders  
14 shall have the right and access to go upon the land and occupation hereof within the rights-of-way  
15 for purposes associated with the maintenance, construction or planning of existing or future  
16 facilities, being careful not to disrupt or disturb the owners interests more than is reasonably  
17 required.

18       **SECTION SIX:** The owner(s) shall not place any improvement upon, over or in the area(s)  
19 vacated without: 1) lawful permit from the Building Division or Authorized City agency as  
20 governed by the Board of Public Service; 2) obtaining written consent of the utilities, governmental  
21 service entities and franchise holders, present or future. The written consent with the terms and  
22 conditions thereof shall be filed in writing with the Board of Public Service by each of the above  
23 agencies as needed and approved by such Board prior to construction.

24       **SECTION SEVEN:** The owners may secure the removal of all or any part of the facilities  
25 of a utility, governmental service entity or franchise holder by agreement in writing with such

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1 utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the  
2 undertaking of such removal.

3 **SECTION EIGHT:** In the event that granite curbing or cobblestones are removed within  
4 the vacated area, the Department of Streets of the City of St. Louis must be notified. Owner(s) must  
5 have curbing cobblestones returned to the Department of Streets in good condition.

6 **SECTION NINE:** This ordinance shall be ineffective unless within three hundred sixty  
7 (360) days after its approval, or such longer time as is fixed by the Board of Public Service not to  
8 exceed three (3) days prior to the affidavit submittal date as specified in the last section of this  
9 ordinance, the owner(s) of the area to be vacated must fulfill the following monetary requirements, if  
10 applicable, as specified by the City of St. Louis Agencies listed below. All monies received will be  
11 deposited by these agencies with the Comptroller of the City of St. Louis.

- 12 1) CITY WATER DIVISION to cover the full expenses of removal and/or relocation of  
13 Water facilities, if any.
- 14 2) CITY TRAFFIC AND TRANSPORTATION DIVISION to cover the full expense of  
15 removal, relocation and/or purchase of all lighting facilities, if any. All street signs must  
16 be returned.
- 17 3) CITY STREET DEPARTMENT to cover the full expenses required for the adjustments  
18 of the City's alley(s), sidewalk(s) and street(s) as affected by the vacated area(s) as  
19 specified in Sections Two and Eight of the Ordinance.

20 **SECTION TEN:** An affidavit stating that all of the conditions be submitted to the Director  
21 of Streets for review of compliance with conditions 365 days (1 year) from the date of the signing  
22 and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit  
23 will be forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted  
24 within the prescribed time the ordinance will be null and void.

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